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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,617	03/17/2004	Yoshimoto Matsuda	ACO 386	5897

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EXAMINER

BASINGER, SHERMAN D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/803,617	Applicant(s) MATSUDA, YOSHIMOTO	
	Examiner Sherman D. Basinger	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3-6, 8-11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10 and 13 is/are allowed.
- 6) ☒ Claim(s) 3-6, 11 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 3-6 and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Araki et al, newly cited.

The body with the hull and deck is shown in figure 1, the foot deck at a rear portion of the deck on which an operator rides is 23, the waterjet pump is P, and the four cycle four cylinder engine is E. As is shown in figures 1 and 2 the engine is disposed forward of the foot deck within the body and substantially at a center position in a longitudinal direction of the body.

Figure 3 shows the engine crankcase, the engine cylinder block, the engine cylinder head, the air intake manifold 42 and the exhaust manifold. As is shown in figure 3 the air-intake manifold is spaced apart from the cylinder block at the position horizontally lateral of the cylinder block, is spaced apart from the crankcase at the position horizontally lateral of the crankcase and extends downward to a position horizontally lateral of a crankshaft positioned within the crankcase.

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As shown in figure 3, the exhaust manifold is spaced apart from the cylinder block at the position horizontally lateral of

the cylinder block, is spaced apart from the crankcase at the position horizontally lateral of the crankcase and extends downward to a position horizontally lateral of a crankshaft positioned within the crankcase.

Oil pan 34 as shown in figures 3 and 4 is an oil tank configured to reserve oil that circulates within the engine, wherein the oil tank is in part placed on an opposite side of the exhaust manifold relative to the engine, has a space elongated in a vertical direction of the body and inherently has an oil-collecting structure disposed at a rear portion of a bottom portion within the crankcase and configured to collect the oil reserved in the crankcase of the engine and to deliver the oil to the oil tank.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. After further consideration, claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nanami in view of Nakase et al and Inoue et al, newly cited.

Nanami discloses a body 22 including a hull and a deck covering the hull from above (figure 13).

Nanami does not disclose that the body has a

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foot deck at a rear portion of the deck on which an operator rides, nor that the engine is disposed forward of the foot deck within the body.

Note foot deck 19 of Nakase et al and note the location of the engine with respect to the foot deck in Nakase et al. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a foot deck similar to Nakase et al to the body of Nanami and such that engine 24 of Nanami is located forward of this foot deck. Motivation to do so is to provide a foot deck for an operator to get onto and off of the watercraft.

Nanami further discloses a water jet pump 26 configured to propel the watercraft; a four-cycle multi-cylinder engine 24 provided within the body and configured to drive the water jet pump and substantially at a center position in a longitudinal direction of the body (see figure 23).

Nanami also discloses a muffler 49j provided in an exhaust passage of the engine; and an air silencer box 90j provided in an air-intake passage of the engine, wherein the muffler and the air silencer box are arranged substantially forward and rearward relative to the engine.

Nanami does not disclose box 90j as being an air cleaner box. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide filters similar to filters 31 of Inoue et al within the box 90j such that box 90j is an air cleaner box. Motivation to do so is to filter the intake air in box 90j.

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***Response to Arguments***


5. Applicant's arguments with respect to claim 3 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 571-272-6679. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sherman D. Basinger  
Primary Examiner  
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5/16/08

6/16/05

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